

RAILROAD RETIREMENT TECHNICAL IMPROVEMENT ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 630, H.R. 5074.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5074) to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5074) was ordered to be read a third time, was read the third time, and passed.

Mr. DURBIN. Mr. President, will the majority leader yield?

Mr. FRIST. I am happy to yield.

Mr. DURBIN. Mr. President, I would like to say to the majority leader by way of a question that I have been working with Senator CHAMBLISS, the chairman of the Agriculture Committee, on the reauthorization of the Commodity Futures Trading Commission, and we have worked out what I consider to be a fair apportionment of time and amendments. We have been ready to go, prepared, waiting for that propitious moment, hoping that the majority leader would smile our way and give us that opening, that hour or two to get this important legislation passed. I would like to ask the majority leader if he has been thinking about that.

Mr. FRIST. Mr. President, through the Chair, in fact, I will need to turn to the distinguished assistant leader as to how much time—I remember we had it locked down to an amount of time. It is about 7½ or 8 hours. We have a challenging week. We have to get to the DOD appropriations, we have to get to the Homeland Security appropriations, we need to get to the terrorist tribunal legislation, we need to get to the port security legislation, and we need to get to the border fence legislation. We will do our best. I do understand the importance of the legislation, and I want to congratulate the managers and the chairman and ranking member for their great work. I do understand the importance of it.

Mr. DURBIN. Mr. President, if I might ask again of the majority leader—I certainly understand this might not be the week, but I hope when we return you would consider putting this up soon. I appreciate it, and I am sure Senator CHAMBLISS does as well.

Mr. FRIST. Mr. President, I recognize the importance of the issue, and we are doing our best to get everything we possibly can do.

ORDERS FOR TUESDAY, SEPTEMBER 26, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, September 26. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to an hour with the first 30 minutes under the control of the majority leader or his designee, and the final 30 minutes under the control of the Democratic leader or his designee; further, that following morning business, the Senate resume consideration of H.R. 6061, the Border Fence Act. Further, I ask unanimous consent that the Senate stand in recess from 12:30 until 2:15 to accommodate the Democratic policy luncheon; I further ask that it be in order to file first-degree amendments as provided for under rule XXII until the hour of 2:30 on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, I just went through a host of issues that we need to consider over the course of this week and our intention to complete our work by Friday or Saturday. It is going to take cooperation, and everybody is working together, as the Democratic leader and I implied a few minutes ago, in how we will address the legislation surrounding the military tribunals. Again, we did file, or I just a few moments ago filed cloture on the Hamdan language as well as on the underlying border security bill. We will work, as we just discussed on the floor, very hard to come to an agreement on how we can address the Hamdan legislation with the appropriate number of amendments. The first of these votes would occur Wednesday morning, as the Democratic leader pointed out, and as I said earlier. If we are able to get an agreement, we could actually be voting tomorrow.

Mr. LEVIN. Will the majority leader yield for a question?

Mr. FRIST. I would be happy to.

Mr. LEVIN. Is the Hamdan language which has been filed in the amendment the same as the Hamdan language that was agreed upon by the three Republican Senators with the administration?

Mr. FRIST. Yes. Yes, it is. I think what the Democratic leader said is that there are some changes, but as to what was introduced—Friday, I believe? Friday—so there are some small changes in that, but it has been agreed to by all the parties concerned.

Mr. LEVIN. In your judgment there is no substantive change between that amendment and the language that was agreed upon?

Mr. FRIST. That is correct.

Mr. LEVIN. I thank the majority leader.

Mr. FRIST. The reason I am turning around is, as the Democratic leader said, people have been working very aggressively since the agreement was reached. And every change, we have really tried to go to both sides—to the House, to the Senate, to the administration—so that we can have as much agreement as we possibly can on this bill. So the changes that have been made have been minor, as just reported to me.

Mr. REID. Mr. President, if the majority leader would, when he completes the motion to close for the night—if he would allow the Senator from Illinois to speak for 15 minutes, prior to our going out?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. As in morning business.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks, up to 15 minutes, as in morning business, by our distinguished colleague from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

HEARING ON THE IRAQ WAR

Mr. DURBIN. Mr. President, I thank the majority leader and the Democratic leader for their cooperation in asking for this short period of time.

Mr. President, today there was a hearing that was held by the Democratic Policy Conference under the chairmanship of Senator BYRON DORGAN of North Dakota. It was a historic hearing. It is rare for hearings to occur on Mondays. Usually the business of the Senate and House is concentrated on Tuesday, Wednesday, and Thursday. But this hearing was held on Monday in an effort, by the Democratic Policy Conference, to call witnesses before our Senate to discuss an issue which is on the mind of most Americans. That issue, of course, is the war in Iraq.

Senator DORGAN extended an invitation to this hearing to the Republican majority leader as well as the chairman of the Republican Conference, Senator KYL of Arizona, in an effort to have a bipartisan hearing on the war in Iraq. Unfortunately, neither of those Senators could attend. But Republican Congressman WALTER JONES of North Carolina did come over and join us in this hearing, so there was representation from the Republican House and Democratic Senators at this Democratic Policy Conference.

The reason I bring this to the attention of those who are following the business of the Senate is that I believe this hearing was historic. I believe it is

the first time since our invasion of Iraq that we had an opportunity to hear from generals and officers who were in Iraq, who worked on that war and were willing to give us a critique, an analysis of their experience and their view of where we are today.

MG John Batiste from the U.S. Army, retired; MG Paul Eaton, U.S. Army, retired; and COL Hammes of the U.S. Marine Corps, retired, came and testified about what has gone wrong in the war in Iraq and what we need to do from this time forward. One might think, if you listen to the talk shows, that this is common fare in the Senate, but it is not. In fact, it is one of the few times, if any, that we have allowed an oversight hearing on the policy in Iraq.

If you chart the history of this country through our great wars, starting with the Civil War and forward, it is not uncommon for this Congress, regardless of party, to bring the leaders in that war to Washington to ask them questions about the progress that is being made. But, sadly, since the invasion of Iraq, that has not been the course of action.

What we have found, time and time again, is that this Congress has called before it for testimony those at the highest levels of the administration. Of course, the Secretary of Defense, the Under Secretaries, and the generals in the highest command are brought forward. But we never reach the next tier and the next rank and the next level because the perspective changes. The perspective of these men who testified today was the perspective of those who had been in charge of important operations in Iraq and had the responsibility of carrying out a mission and protecting the lives of American soldiers that were at risk.

What they had to say was chilling. In stark testimony, each of these officers, now retired from service, having attended West Point and graduated, having attended Annapolis and graduated, said the first and highest priority that we had as a nation was to change the leadership at the Department of Defense. They felt the approach that is being taken by Secretary Rumsfeld and those in his close-knit team was inconsistent with success and victory in Iraq.

They told of their own personal experiences when they would question some of the decisions that were made by the administration and by Secretary Rumsfeld, only to find that they were ignored or shunned. These generals gave eye-opening testimony, testimony that I wish every Member of the Senate could have heard. These were good witnesses to call—good witnesses because the members of the Armed Services Committee should hear their testimony. All of the Senators should hear that testimony, when they talk about what we face.

When Colonel Hammes of the U.S. Marine Corps, now retired, said he expects the United States to be in Iraq for another decade, 10 years or more;

when we hear from each of these officers that we have not provided the necessary troops in the field to accomplish our mission; when each of them reflects on our efforts to build the Iraqis into an army that can defend its own country and then says that the United States would not invest the resources to build the Iraqi Army at that critical moment in its history and now is paying a price for it—their testimony, which was covered by major news media, will be reported by some but should be reported to all the Members of the Senate.

We have a responsibility in the Senate and in the House. We serve as that third branch of Government with a checks and balances system to be involved in the appointment of judges but, yes, to serve in oversight of the executive branch.

Unfortunately, that has not been the case over the last 4 years during the course of this war. Very few, if any, Senators have stepped forward to question this administration's policy in Iraq. The Republican leaders in the Senate have not scheduled hearings with officers and former officers who could give us firsthand, candid, honest testimony about what is going right and what is going wrong. There is a fear in this administration of hearing unpopular expressions from those who have served in our military.

We owe it to our soldiers; we owe it to our Marines, our airmen, our sailors, and all who serve under America's flag, and we owe it to their families to ask the hard questions, to demand the answers from this administration.

Before the hearing today I contacted the Department of Defense for an update, an update on a very grim statistic. I asked how many American lives had been lost, our brave soldiers in Iraq. The number as of this morning: 2,702. Almost 20,000 have returned with serious injuries. We have spent over \$325 billion on this war and continue to spend at the rate of \$1.5 billion per week.

It is a grim reminder of what this war has cost, first and foremost in human life, but also in human suffering—the prayers and anxieties of American families, those who have returned with injuries that they will deal with for a lifetime, and for taxpayers across the country who have seen our national deficit reach record levels as this administration refuses to accept the honest assessment of the cost of this war and to tell the American people the sacrifices that must be made for us to come home with our mission truly accomplished: 2,702 of our soldiers.

That hearing was important. I am glad that Congressman WALTER JONES came over so that it was a bipartisan hearing. But it is time for more. It is time for us to bring those officers and soldiers before us who are living this war in Iraq to tell us what is really happening on the ground. If there are ripoffs and profiteering by Halliburton

and other companies, we should all take that personally. It is not only taxpayers' money wasted, it is money that is not being spent for the defense of our troops. It is money that is being misused when it could be used better so that our troops could get their job done, and done more effectively.

When Colonel Hammes of the U.S. Marine Corps talks about the deterioration of production capacity in the United States, he marvels at that time in history when we were producing 4,000 planes a month, during World War II, and now we find, for the best armored vehicle that we need to move our troops, the best America can do is produce 48 a month? It is a good, valid question: why this war effort has not meant more dedication from our elected officials and the public sector as well as the private sector.

It is interesting that each of these military leaders pointed a finger at Congress and at political leaders as well. All the criticism was not reserved just for the Secretary of Defense and military planners who brought us into this war. They said to us in stark terms that we have not communicated to the American people what it will take to win. They believe, and I share their belief, that the American people, when challenged, will rise to the challenge. We have done it time and again throughout our history.

This hearing, which lasted a little over 2 hours, attracted a number of Senators and Congressman JONES from the House and should have taken place a long time ago. As Major General Batiste said—he has been out of the military after 30-plus years of service. He has been critical of what has happened. Today was the first time anyone had invited him to Capitol Hill to testify. We need to bring in these men and women who will share with us the responsibility of holding our Government and our leaders accountable in time of war.

When so many lives are at stake, when so much is at stake, this Congress has to rise to the challenge and rise to the occasion. Unfortunately, that has not occurred. We have done little or nothing when it comes to accountability for taxpayer dollars, for the course of this war and strategy, and most importantly for the lives that have been lost. We can do better.

We need a new direction when it comes to our policies in Iraq, a direction which doesn't call for immediate withdrawal but a direction which says there will come a day—and soon—when American troops can come home with their mission accomplished. And it is time for us to begin to initiate that conversation.

I thank Senator DORGAN for those who attended today. I think it was time well spent.

I hope, when we return after this election on November 7, we can in a bipartisan fashion have real oversight of this war, ask those important questions which our troops deserve to have

answered, ask the important questions our taxpayers need to have answered about the cost of this conflict, and ask those important questions as to how we can reach a time—and soon—when our soldiers can return home victorious, with their mission truly accomplished.

I yield the floor.

ADJOURNMENT UNTIL 9:45 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands

in adjournment until 9:45 a.m. tomorrow.

Thereupon, the Senate, at 7:15 p.m., adjourned until Tuesday, September 26, 2006, at 9:45 a.m.

DISCHARGED NOMINATION

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination and the nomination was confirmed:

CHARLES F. CONNER, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, September 25, 2006:

DEPARTMENT OF AGRICULTURE

CHARLES F. CONNER, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

THE JUDICIARY

FRANCISCO AUGUSTO BESOSA, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO.